



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Hon Norman Moore MLC
Minister for Fisheries
4th Floor London House
216 St Georges Terrace
PERTH WA 6000

Dear Minister

I am writing to you as Delegate of the Minister for the Environment, Heritage and the Arts in relation to the assessment of the Western Australia Trochus Fishery (WATF) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In November 2008, DFWA submitted the document entitled *Application to the Department of the Environment, Heritage Water and the Arts on the Trochus Fishery – October 2008*, for assessment under the EPBC Act to allow export accreditation for this fishery. The submission has been assessed for the purpose of the wildlife trade provisions of Part 13A of the EPBC Act.

I am pleased to advise that assessment of the WATF is now complete. The assessment report will be available on the DEWHA website at:
<http://www.environment.gov.au/coasts/fisheries/index.html>.

I am satisfied that the operation of the WATF is consistent with the objects of the wildlife trade provisions in Part 13A of the EPBC Act. I am also satisfied that it is appropriately precautionary, is unlikely to be detrimental to the survival or conservation status of any taxon to which the fishery operations relate, or threaten any relevant ecosystem in the short to medium term.

While performance against the *Guidelines for the Ecologically Sustainable Management of Fisheries – 2nd Edition* is adequate, I am of the view that there are a number of issues that need to be addressed to contain environmental risks in the longer term. The key challenges for this fishery will be to: complete an Ecological Risk Assessment and implement management responses to mitigate against identified risks; continuation of research and stock monitoring programs; conducting a compliance risk assessment and compliance strategy; and providing for continued protection of trochus reefs against illegal foreign fishing. DEWHA considers that, until it can be demonstrated that these issues have been adequately dealt with, a three year Wildlife Trade Operation (WTO) declaration is appropriate.

I therefore propose to declare the fishery as an approved WTO, under Part 13A of the EPBC Act. This declaration will allow the export of product

from the fishery for the next three years. I will make the declaration subject to the conditions at **Attachment A**.

While there are some environmental risks associated with this fishery, I believe that DFMA is committed to addressing these issues and is already taking proactive steps in some areas. Officers from our two departments have discussed key areas requiring ongoing and increased attention, and I understand that in addition to the conditions of the WTO declaration, they have agreed to a number of recommended actions to be implemented before the next Australian Government review of the fishery. The recommendations at **Attachment B** have been an important factor in my decision to declare the fishery as an approved WTO and I look forward to receiving your confirmation that they will be implemented.

I would like to thank you for the constructive way in which your officials have approached this assessment.

Yours sincerely

[Signed]

Nigel Routh
Delegate of the Minister for the Environment, Heritage and the Arts
15 June 2009

Conditions on the Wildlife Trade Operation Declaration for the Western Australia Trochus Fishery (WATF)

1. Operation of the fishery will be carried out in accordance with the Western Australian Trochus Fishery (WATF) management regime made under the WA Fish Resources Management Act 1994.

2. The Department of Fisheries Western Australia (DFWA) to inform the Department of the Environment, Water, Heritage and the Arts (DEWHA) of any intended amendments to the WATF management arrangements that may affect the assessment of the fishery against the criteria on which EPBC Act decisions are based.

3. DFWA to produce and present reports to DEWHA annually as per Appendix B to the *Guidelines for the Ecologically Sustainable Management of Fisheries - 2nd Edition*.

Recommendations to the Department of Fisheries Western Australia on the ecologically sustainable management of the Western Australia Trochus Fishery (WATF).

The WATF is a relatively well-managed fishery with a range of management measures to promote the ecologically sustainable harvesting of species from the fishery. These measures include harvest area restrictions, annual seasonal closures, minimum and maximum size limits to protect juvenile and breeding stocks, area closures and a conservative cap on total annual harvest.

The following recommendations have been made to strengthen the effectiveness of the management arrangements for the fishery and minimise environmental risks in the medium to longer term. Unless a specific time frame is provided in the recommendation each recommendation must be addressed within the life of the declaration (3 years).

1. DFWA to:
 - a) finalise an Ecological Risk Assessment (ERA) for the Western Australian Trochus Fishery;
 - b) finalise and implement management responses, as appropriate, to the identified risks; and
 - c) make the ERA and the management responses publicly available on the DFWA website.
2. DFWA to seek to develop and implement a long term monitoring and stock assessment program that ensures the ongoing sustainability of trochus stocks related to the fishery. The monitoring program should be capable of identifying areas and species at risk of localised and/or serial depletion.
3. DFWA to conduct a compliance risk assessment for the WATF and, as appropriate, implement a compliance strategy to address identified risks.
4. DFWA, in collaboration with other relevant agencies and communities, to continue to pursue mitigation measures, such as the trochus reef protection programme, to address stock sustainability concerns associated with illegal foreign fishing.